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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,624	09/27/2001	Balakrishna Raghavendra Iyer	SVL920010077US1/2307P	4803
29141	7590	11/10/2004	EXAMINER	
SAWYER LAW GROUP LLP P O BOX 51418 PALO ALTO, CA 94303			AMSBURY, WAYNE P	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/966,624	IYER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Wayne Amsbury	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 September 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-43 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 September 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**CLAIMS 1-43 ARE PENDING**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Upon further search and consideration, prior art that greatly clarifies the issues has been discovered and is applied below.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-26 and 28-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al (Brown), US 6,732,179, 4 May 2004.**

Brown is directed to the controlled access to database services including pay-per-view [COL 1 lines 20-47].

As to **claims 36-39**, pay-per-view (PPV) by its nature controls access to a database based at an agreed-upon schedule and price. This is detailed in some particular at COL 18, **Pay-Per-View Information**. The client (user) executes (HTML-rendering) software supporting standard web browsing [COL 2 lines 28-43]. While it is clear that this is done without downloading **database** software, the process is specified in terms of various APIs that provide access to such software rather than the database software itself. See for instance, COL 6 lines 27 and after and COL 9 and its surround. Clearly this utilizes databases. The schedule and price are agreed-upon criteria; one is time-based, the other is cost-based.

As to **claim 40**, the APIs provide for instantiating the UI elements [COL 2 lines 38-43].

As to **claim 41**, A JAVASCRIPT program sent in a message to the client invokes a function of the API [COL 3 lines 1-11], which includes access to electronic content and remote application databases [COL 2 lines 52-67].

As to **claim 42**, the ACL of the site specifies which STB API functions may be called from the site, thus combining (invoked) database commands and control functions [COL 3 lines 1-11].

As to **claim 1**, as noted above, database commands are invoked, not downloaded.

The elements of **claims 2-10 and 43** are rejected in the analysis above and these claims are rejected on that basis.

As to **claim 11**, Brown teaches the use of SQL and other forms of database connectivity [COL 9 lines 45-65]. As to **claim 12**, a preferred environment is the WINDOWS CE operating system, which inherently provides a window at some level for data entry.

The elements of **claims 13** are rejected in the analysis above and this claim is rejected on that basis.

As to **claims 14-15**, Brown addresses the use of a password and its authenticity at COL 7 lines 22-40.

The elements of **claims 16-26 and 28-35** are rejected in the analysis above and these claims are rejected on that basis.

**4. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (Brown), US 6,732,179, 4 May 2004.**

As to **claim 27**, Brown does not explicitly address the use of standard layers such as the presentation and application layers, nor database backup. **Official Notice** is taken that these elements of the practice of distributed computing were well known at the time of the invention and applied because of their efficiency.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 FIRST WEEK.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA

*Wayne*  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER